



Comptroller General
of the United States

253231

Washington, D.C. 20548

Decision

Matter of: Scheduled Airlines Traffic Offices, Inc.--
Reconsideration

File: B-256288.4

Date: January 24, 1995

DECISION

Scheduled Airlines Traffic Offices, Inc. (SatoTravel) requests reconsideration of Our August 31, 1994, dismissal of its protest of the Department of the Army's award of a contract for travel management services to Wagonlit Travel, under request for proposals (RFP) No. DAJA37-93-R-0223.

We deny the request for reconsideration.

SatoTravel originally protested to our Office on July 25 and 28, 1994, stating its belief that the Army improperly found the protester's and awardee's proposals to be essentially equal technically, permitting (under the terms of the RFP) award to Wagonlit on the basis of its higher total (official and unofficial travel) commission fee offered. The protester alleged that, in order to obtain the higher concession fee for unofficial travel offered by Wagonlit, the Army either inflated Wagonlit's technical evaluation or departed from the specified evaluation criteria to find the proposals essentially equal. The protester had contended that the agency's underlying desire for a higher unofficial travel concession fee is established by the stated desire in the original solicitation for a higher unofficial travel concession fee, even though that statement was later deleted from the RFP by amendment.

The protester principally contended that since the agency told the protester that the firm's proposal was rated very high technically, the agency must have improperly evaluated the awardee's proposal in order to find them essentially equal and make award to Wagonlit. The protest provided no further explanation or documentation to substantiate its claim concerning the evaluation of the proposals and selection decision. In Our August 31 dismissal we found that this issue failed to establish a valid basis for challenging the agency's actions. In that decision, we also dismissed, as untimely filed, SatoTravel's challenges to the terms of the RFP and dismissed, as factually and legally insufficient, its challenge of an alleged conflict of interest of one of the technical evaluators.

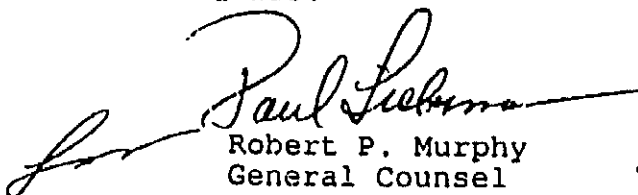
On reconsideration, SatoTravel states that under our Bid Protest Regulations, 4 C.F.R. § 21.1(c)(4) (1994), protesters need only provide either allegations or evidence sufficient to establish the likelihood that the protester will prevail, and that its protest, as stated above, provided sufficient allegations and explanations. The protester misconstrues the requirement. A protester must provide more than an allegation of impropriety supported by the protester's belief; the allegation must be supported by a credible explanation or evidence that establishes the likelihood that the protester will prevail in its claim of improper agency action. As stated in our Bid Protest Regulations, protests must "set forth a detailed statement of legal and factual grounds of protest including copies of relevant documents." 4 C.F.R. § 21.1(c)(4).

Here, SatoTravel's assertions of technical superiority were unsubstantiated and unaccompanied by any sufficient explanation or documentation showing how the Army's evaluation was improper. The fact that the original solicitation terms included a stated desire for a higher unofficial travel concession fee, which was deleted from the RFP by amendment, without more, does not provide adequate support for the contention that the agency continued to desire the higher fee and misevaluated the awardee's proposal in order to take advantage of the firm's higher unofficial travel concession fee.

The protester's belief that Wagonlit's technical proposal could not have been as superior as its own proposal, and that the agency therefore must have misevaluated the proposal in order to obtain that offeror's higher unofficial travel concession fee, without any credible explanation or evidence to establish the likelihood that the protester was correct in this assertion, was, in our view, insufficient to form a basis of protest and satisfy our filing requirements. See Federal Computer Int'l Corp.--Recon., B-257618.2, July 14, 1994, 94-2 CPD ¶ 24; Automated Data Management, Inc., B-234549, Mar. 2, 1989, 89-1 CPD ¶ 229. In its reconsideration request, the protester essentially repeats its belief that the agency improperly evaluated the awardee's proposal in order to find Wagonlit in line for award, and generally contends that its protest provided sufficient specificity to constitute a valid basis of protest. The protester's mere disagreement with our basis for dismissal provides no basis for reconsidering that decision.

SatoTravel also requests reconsideration of the remaining protest issues which were dismissed as untimely (i.e., the RFP's combination of official and unofficial travel services) or factually and legally insufficient (i.e., the alleged conflict of interest of one evaluator). While we

see no error in our original dismissal of these issues, since the issues are identical to those recently resolved by our Office in Scheduled Airlines Traffic Offices, Inc., B-257310 et al., Sept. 21, 1994, 94-2 CPD ¶ 107, and Scheduled Airlines Traffic Offices, Inc., B-253856.7, Nov. 23, 1994, 95-1 CPD ¶ ___, no useful purpose would be served, in any case, by our further consideration of them. See Wallace O'Connor, Inc., B-227891, Aug. 31, 1987, 87-2 CPD ¶ 213.


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General Counsel